

ATTORNEYS FOR PLAINTIFFS

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x

VALERIE A. SCHER and PRESTON S. SCHER,

Plaintiffs,

07 Civ. 3847 (WP4)

-against-

SANDALS RESORTS INTERNATIONAL, LTD.
SANDALS ROYAL CARIBBEAN LIMITED,
and UNIQUE VACATIONS, INC.,

**PLAINTIFF'S
EXPERT DISCLOSURE
PURSUANT TO
FRCP 26(2)**

Defendants.

-----x

S I R S:

PLEASE TAKE NOTICE that plaintiffs hereby disclose the following expert information and testimony pursuant to Federal Rules of Civil Procedure 26(2):

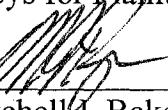
- A. Plaintiff expects to call as an expert witness Daniel W. Haines, Professional Engineer, 142 Greenridge Avenue, White Plains, New York 10605, telephone 914.997.1127.
- B. Annexed hereto as Exhibit "A" is a report of Mr. Haines.

us with the fees in connection with deposition testimony and trial testimony. These will be provided to you upon receipt.

Dated: White Plains, New York
April 3, 2008

Yours, etc.

BAKER LESHKO SALINE & BLOSSER, LLP
Attorneys for Plaintiff

By: 
Mitchell J. Baker (MB-4339)
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To: Day Pitney, LLP
7 Times Square
New York, NY
Attn.: David Newman, Esq.
Amish Doshi, Esq.

Exhibit “A”

~~Document 19~~

[REPORT]

**Daniel W. Haines
Professional Engineer
142 Greenridge Avenue
White Plains, New York 10605
Phone: 914-997-1127
Fax: 914-997-2327**

April 3, 2008

Baker, Leshko, Saline & Blosser, LLP
One North Lexington Avenue
White Plains, NY 106011712

Attention: Michele Blosser, Esq.

Dear Ms. Blosser:

Re: Valerie Scher
Our File No.: 1555

By arrangement with your office I reviewed the circumstances of the caption accident including the report of Winston Hayles, Senior Investigator, and three photographs of the captioned accident location.

April 3, 2008

BACKGROUND

It was reported that on January 21, 2007, Valerie Scher was a guest at Sandals Royal Caribbean, Montego Bay, Jamaica. She was walking on the patio when she suddenly encountered a step downward in the patio. She stumbled, slipped and fell, fracturing her shoulder.

REVIEW OF REPORT OF WINSTON HAYLES

Mr. Hayles indicates that the step that caused her accident is 6-1/2 inches in depth.

REVIEW OF THE PHOTOGRAPHS

The photographs indicate that color of the surface of the patio is uniform on the side from which Ms Scher stepped down and the side onto which she stepped. There are no signs warning of the step down. There is no marking of contrasting color on the edge of the step. There are no handrails on the step in the vicinity of the accident.

Baker, Leshko, Saline & Blosser, LLP

April 3, 2008

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ANALYSIS

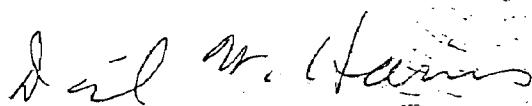
The patio should not have been constructed with discontinuities in the pavement level. The step down, being one such discontinuity creates a severe hazard. Ms. Scher's accident would not have happened if this hazard was not present. The color of the patio surface, being the same on both sides and without any band of contrasting color on the step edge, presents a step situation extremely difficult to detect by eye.

Given that the patio was constructed as such, procedures should have been taken to prevent accidents occurring at the step. One measure to ensure safe travel would be to install a series of handrails, separated by no more than 80 inches along the edge of the step. Lacking handrails, two measures should at least have been undertaken to warn of the hazard: 1) Position several signs on standards about 3 feet high, separated no more than 80 inches apart along the length of the step on the upper level to warn oncoming pedestrians of the step. 2) Indicate the edge of the step with a contrasting color band at least 1 inch wide along its length.

CONCLUSION

Based on my review of the photographs and the investigator's report, I submit that the Scher accident occurred because of the unexpected step down. The patio should not have been constructed with such a step. Furthermore, there were no warnings of the hazard by means of handrails, signs or edge markings.

Respectfully submitted,



Daniel W. Haines, P.E., Eng. Sc. D.